

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: J. VOGEL *et al.*

Application No.: 09/528,989

Filed: March 20, 2000

For: INJECTABLE AND SWELLABLE
MICROPARTICLES FOR TISSUE
BULKING



Confirmation No. 6000

Group Art Unit: 1617

Examiner: Shengjun WANG

Attorney Docket No.: 9676-292-999
(CAM: 405916-999034)

TERMINAL DISCLAIMER FEE SHEET

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A fee of approximately \$65.00 is believed due under 37 C.F.R. § 1.20(d) for processing the Terminal Disclaimer submitted herewith. Please charge the required fee to Jones Day Deposit Account No. 50-3013, which reflects Applicant's Small Entity Status. A copy of this sheet is enclosed.

Respectfully submitted,

Date:

Jan. 12, 2006

Tamera M. Pertmer, Ph.D. (Reg. No. 47,856)

JONES DAY

12750 High Bluff Drive, Suite 300
San Diego, CA 92130
(858) 314-1181

For: Anthony M. Insogna (Reg. No. 35,203)

JONES DAY

222 East 41st Street
New York, NY 10017-6702
(212) 326-3939

Enclosure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: J. VOGEL *et al.*

Application No.: 09/528,989

Filed: March 20, 2000

For: INJECTABLE AND SWELLABLE
MICROPARTICLES FOR TISSUE
BULKING



Confirmation No. 6000

Group Art Unit: 1617

Examiner: Shengjun WANG

Attorney Docket No.: 9676-292-999
(CAM: 405916-999034)

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

BIOSPHERE MEDICAL, INC., is the assignee of the entire right, title and interest in and to the above-identified application and U.S. Pat. No. 6,790,456. The assignment of the above-identified application from the inventors to BioSphere Medical, Inc. was recorded on December 6, 2000, at Reel 011335, Frame 0117. The assignment of U.S. App. No. 10/222,819 (now U.S. Pat. No. 6,790,456) from the inventors to BioSphere Medical, Inc. was recorded on December 6, 2000, at Reel 011335, Frame 0065. Thus, title to both of the above-identified application and U.S. Pat. No. 6,627,400 is properly vested in BioSphere Medical, Inc.

BIOSPHERE MEDICAL, INC. hereby disclaims the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of U.S. Pat. No. 6,790,456. In addition, Petitioner hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Pat. No. 6,790,456.

BIOSPHERE MEDICAL, INC. further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors, and assigns.

BIOSPHERE MEDICAL, INC. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Pat. No. 6,790,456 in the event that said patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or

terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of their full statutory terms, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of the Petitioner, BIOSPHERE MEDICAL, INC., by the undersigned attorney of record in the above-identified application pursuant to 37 C.F.R. § 1.321(b)(1)(iv).

A Terminal Disclaimer Fee sheet is submitted herewith (in duplicate), which authorizes the PTO to charge the processing fee of \$65 Jones Day Deposit Account No. 50-3013, which reflects Applicant's Small Entity Status.

Respectfully submitted,



Date: Jan. 12, 2006

For: Anthony M. Insogna
Tamera M. Pertmer, Ph.D. (Reg. No. 47,856)

JONES DAY
12750 High Bluff Drive, Suite 300
San Diego, CA 92130
(858) 314-1181

For: Anthony M. Insogna (Reg. No. 35,203)
JONES DAY
222 East 41st Street
New York, NY 10017-6702
(212) 326-3939